

Re: MAIL STOP ISSUE FEE

From: Tamara Daw

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Attached for filing for App. Ser. No. 10/604,343 for an OPTICAL SCANNER
are the following documents:

1. Issue Fee Transmittal (1 page);
2. Comments on Statement of Reasons for Allowance (2 pages); and
3. Petition to the Director Under 37 CFR 1.181 . . . (3 pages).

Tamara Daw

Legal Assistant

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Art Unit: 2876
Wen-Yuan Chang et al.	)	Examiner Thien Minh Le
Application No.: 10/604,343	)	<i>I hereby certify that this correspondence is being deposited via facsimile to the Commissioner for Patents, on:</i>
Filed: July 14, 2003	)	<u>February 16, 2007</u>
For: OPTICAL SCANNER	)	Date of Transmission
	)	Tamara Daw
	)	Name of Person Transmitting Correspondence
	)	<u>Tamara Daw</u>
	)	Signature
	)	<u>2/16/2007</u>
	)	Date

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner's statements of reasons for allowance are hereby acknowledged by Assignee. Assignee agrees that the claimed subject matter is patentably distinct from the documents cited by the Examiner; however, Assignee takes no position regarding the reasons for allowance presented by the Examiner, other than the positions Assignee may have previously taken during prosecution of the above-referenced patent application. Therefore, the Examiner's reasons for allowance should not be attributed to Assignee as an indication of the basis for Assignees' belief that the claims are patentably distinct. Furthermore, it is respectfully asserted

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Patent

that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record. While in accordance with 37 C.F.R. §1.104(e), a failure by the Assignee to disagree with the Examiner, or file more detailed comments, does not give rise to any implication that the Assignee agrees with or acquiesces in the reasoning of the Examiner, here, by this document, Assignee is expressly making clear that no such agreement or acquiescence is present.

Respectfully submitted,
Attorney for Assignee,

Dated: February 16, 2007

/James J. Lynch Reg. No. 50,153/

James J. Lynch
Reg. No. 50,153

Berkeley Law and Technology Group, LLP
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Wen-Yuan Chang et al.

Application No.: 10/604,343

Filed: July 14, 2003

For: OPTICAL SCANNER

Art Unit: 2876

Examiner Thien Minh Le

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deposited via facsimile to the Commissioner for
Patents, on:*

February 16, 2007
Date of Transmission

Tamara Daw

Name of Person Transmitting Correspondence

Tamara Daw 2/16/07
Signature Date

Petition to the Director Under 37 CFR 1.181

Application for Patent Term Adjustment Under 37 CFR 1.705(b)

Mail Stop Petition
COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Assignee requests reconsideration of the patent term adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C 154(b) dated 11/16/2006 on the present application by reinstatement of all or part of the term reduced pursuant to 37 CFR § 1.704(b). The present application for patent term adjustment is being filed no later than the payment of the issue fee, and is accompanied by:

(1) The fee set forth in § 1.18(e); and

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(2) A statement of the facts involved, below:

(i) Assignee submits that the correct patent term adjustment should be 27 days and not 0 days, as listed in the Determination of Patent Term Adjustment dated 11/16/2006. Specifically the basis under § 1.702 for the adjustment is the miscalculation of Assignee delay from the December 12, 2005 mailing date of the Final Rejection instead of from the proper May 31, 2005 mailing date of the Notice of Restarted Response Period.

(ii) Assignee does not contest the current calculation of the relevant dates as specified in §§ 1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled. Accordingly the USPTO delay has been properly calculated between the filing date of July 14, 2003 and the mailing date of the first Office Action of March 17, 2005 as 186 days.

(iii) Assignee submits that the present application is not subject to a terminal disclaimer.

(iv) Assignee contests the current calculation of Applicant Delay of 328 days. Specifically the basis under § 1.702 for the adjustment is the miscalculation of Assignee delay from the December 12, 2005 mailing date of the Final Rejection instead of from the proper May 31, 2005 mailing date of the Notice of Restarted Response Period. The correct calculation should be a delay of 157 days.

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Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, James J. Lynch, at (503) 439-6500 if there remains any issue with allowance.

Additional fees

Any fees believed to be due in connection with this request are enclosed herein; however, consider this a request for any fee inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Respectfully submitted,
Attorney for Assignee

Dated: February 16, 2007

/James J. Lynch Reg. No. 50,153/

James J. Lynch
Reg. No. 50,153

Customer Number: 00043831

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